

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST. JOHN

IN RE:

JEFFREY J. PROSSER,

Debtor.

Chapter 7

Case No. 06-30009 (JFK)

JAMES P. CARROLL, CHAPTER 7
TRUSTEE,

Plaintiff/Appellee,

v.

DAWN PROSSER,

Defendant/Appellant.

Civil No. 2010-59

ATTORNEYS:

Samuel H. Israel, Esq.

Philadelphia, PA

For James P. Carroll, Chapter 7 Trustee,

Jeffrey B. Moorhead, Esq.

St. Croix, U.S.V.I.

For Dawn Prosser.

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ORDER

GÓMEZ, C.J.

Before the Court is the motion of Dawn Prosser for a stay of the Bankruptcy Division's Order of May 14, 2010, which entered Summary Judgment in favor of the Chapter 7 Trustee. In that Order, the Bankruptcy Division granted the Chapter 7 Trustee's request for authority to sell Dawn Prosser's interest in real property located at 252 El Bravo Way, Palm Beach, Florida 33480 (the "Property"), subject to Dawn Prosser's right of first refusal. As part of that Order, the Bankruptcy Division stated that it would "reconsider this order upon timely motion provided that Jeffrey and Dawn Prosser jointly or Dawn Prosser individually post a bond in the amount of \$1 million." Notice of Appeal Ex. 1, Summ. J. Order.

Dawn Prosser has now indicated her willingness to post a bond in the amount of \$1 million. Because posting a bond was a condition precedent for obtaining a stay or reconsideration by the Bankruptcy Division, it is premature to look to this Court for relief while this matter is still before the Bankruptcy Division. In the event that the Bankruptcy Division does not grant a stay or reconsider its Order, a petition to this Court may become appropriate.

The premises considered, it is hereby

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ORDERED that the above-captioned debtor's motion for a stay
is **DENIED without prejudice.**

S_____
CURTIS V. GÓMEZ
Chief Judge